

REMARKS

Claims 1-55 were examined in the Office Action. Claims 1, 5, 20, 31-33, 37, 38, 41, 44, 48-50, 52, and 53 are amended. Accordingly, Claims 1-55 remain pending. In view of the above claim amendments and the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

Rejections Under 35 U.S.C. §103

Applicants respectfully submit that the outstanding rejections under 35 U.S.C. §103(a) fail to establish a *prima facie* case of obviousness. Further, in accordance with MPEP §2142 (which states in part “[i]f the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness”), Applicants, in good faith and belief that a *prima facie* case of obviousness has not been established in the above of rejections, request that all outstanding rejections under 35 U.S.C. §103(a) be reconsidered and withdrawn.

As set forth in MPEP §§2142 and 2143, a *prima facie* case of obviousness has three basic requirements. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Applicants respectfully submit that the proposed combinations of references, fail to meet at least the third requirement above (namely, the cited references do not teach or suggest all of the claim elements). Accordingly, no *prima facie* case of obviousness has been established.

1

2 Rejections of Claim 14, 16, 19 and 37

3 Claims 14, 16, 19 and 37 stand rejected under 35 U.S.C. §103(a) as being
4 unpatentable over U.S. Patent No. 6,012,098 (hereinafter Bayeh) in view of
5 “XHTML™1.0: The Extensible HyperText Markup Language” (hereinafter
6 Pemburton). Applicants respectfully traverse the rejection.

7 Claims 14, 16, and 19

8 Claim 14 recites in part, “emitting the formatted data in a manner in which
9 an XML response can be sent to the client *without having to build a hierarchical*
10 *tree that represents the XML response.*”

11 Absence of a Teaching is Not a Teaching

12 The Office Action acknowledges that Bayeh makes no mention of building
13 a hierarchical tree. The Office Action then interprets its absence to mean that
14 Bayeh emits data “in a manner in which” a tree would not have to be built.

15 Applicants respectfully disagree. Either Bayeh teaches emitting the
16 formatted data in a manner in which a tree would not have to be built, or it does
17 not. For example, Applicants could find no disclosure of providing power to the
18 workstation 10 of Bayeh’s Fig. 1. Applicants believe that the absence of a
19 teaching to provide power the workstation cannot be interpreted to mean that the
20 workstation can operate without power. Bayeh simply does not teach or suggest
21 operating the workstation 10 without power. Likewise, Bayeh simply does not
22 teach or suggest “emitting the formatted data in a manner in which an XML
23 response can be sent to the client *without having to build a hierarchical tree that*
24 *represents the XML response*”, as recited in claim 14. Claims 16 and 19 depend

1 from claim 14 and, therefore, are patentable over the cited references for at least
2 the reasons that claim 14 is patentable over the cited references.

3 Claim 37

4 Claim 37 as amended recites in part, “to emit a portion of the client
5 response *before the client response is entirely built.*” This feature is supported in
6 the Specification at least at page 8, lines 16-20.

7 Bayeh Teaches the Rendering Servlet Receives the data stream when
the Entire XML Data Stream is Formatted by the Data Servlet

8
9 At column 11, lines 20-24, Bayeh discloses, “[w]hen the entire XML data
10 stream required for the database results has been formatted by the data servlet, that
11 data stream is sent on to the next servlet in the chain at Step 270. In the preferred
12 embodiment, the next Servlet is the rendering servlet.”

13 Because Bayeh discloses “when the entire XML data stream .. has been
14 formatted”, Bayeh in no way teaches or suggests “to emit a portion of the client
15 response before the response is entirely built”, as recited in claim 37. Pemburton
16 is cited as disclosing XHTML. This cited disclosure does not overcome the
17 deficiencies of Bayeh with regard to the feature, “to emit a portion of the client
18 response before the response is entirely built”, recited in claim 37. Therefore,
19 Applicants respectfully assert that claim 37 is patentable over the cited
20 combination of Bayeh and Pemburton.

21
22 Rejections of Claims 1-7, 10-11, 13, 31-32, 34-35, 38 and 48-51

23 Claims 1-7, 10-11, 13, 31-32, 34-35, 38 and 48-51 stand rejected under
24 35 U.S.C. §103(a) as being unpatentable over Bayeh in view of Pemburton and

1 further in view of “Build Servlet-Based Enterprise Web Applications”,
2 (hereinafter Philion). Applicants respectfully traverse these rejections.

3 Claims 1-4 and 48

4 Independent claim 1 as amended recites in part, “sending said portion to a
5 client *before the XML document is entirely built.*” This feature is supported in the
6 Specification at least at page 8, lines 16-20.

7 Bayeh Teaches the Rendering Servlet Receives the Data Stream
8 when the Entire XML Data Stream is Formatted by the Data Servlet

9 At column 11, lines 20-24, Bayeh discloses, “[w]hen the *entire XML data*
10 *stream* required for the database results has been formatted by the data servlet, that
11 data stream is sent on to the next servlet in the chain at Step 270. In the preferred
12 embodiment, the next Servlet is the rendering servlet” (emphasis added). At
13 column 10, lines 35-37, Bayeh discloses, “...the rendering servlet *must* parse the
14 XML data stream, and reformat it into HTML” (emphasis added). The Office
15 Action also asserts, “[i]t would have been obvious to replace the HTML of Bayeh
16 with XHTML... .” Thus, it appears that the Office Action is modifying the
17 function of the rendering servlet to output XHTML instead of HTML.

18 However, the Office Action’s proposed combination of Bayeh and
19 Pemburton does not teach or suggest “sending said portion to a client *before the*
20 *XML document is entirely built*” because Bayeh discloses “when the entire XML
21 data stream ... has been formatted.” Pemburton is cited as disclosing XHTML
22 instead of HTML, but this appears to be directed to the function of the *rendering*
23 servlet, and does not overcome the deficiency of Bayeh’s *data* servlet, which
24 formats the entire XML data stream. As described below, Philion does not
25 overcome the deficiencies of Bayeh and Pemburton.

Philion Discloses a Servlet For Sending HTML but is Silent Regarding Sending an XML Document Before the XML Document is Entirely Built

The Office Action cites pp.5-6 of Philion as disclosing sending a partial result to a client. Applicants respectfully disagree. Rather, Philion discloses, “[t]he technique of writing the generated HTML directly to the PrintWriter has more advantages than just reducing the number of objects created. ... “PrintWriter.flush() will force all the data in the output stream buffer to be sent back to the browser, allowing the browser to display the data, even if the servlet hasn’t finished generating the page” (emphasis added).

Applicants respectfully assert that an *HTML page* is not equivalent to an *XML document*. The disclosure that the HTML page has not been generated in Philion in no way teaches or suggests sending *portions of an XML document before the XML document has been entirely built*. Thus, this cited feature of Philion does not overcome the deficiencies of Bayeh and Pemburton as described above.

Further, this feature of Philion also appears to correspond to the *Rendering* Servlet disclosed in Bayeh. However, in Bayeh, the data stream is formatted by a *Data* Servlet, which sends the data to the Rendering Servlet *when the entire XML data stream has been formatted*. Philion simply does not address the formatting of an XML document before it is provided to the Rendering Servlet. Thus, Philion fails to teach or suggest sending *portions of an XML document before the XML document has been entirely built*.

Still further, there is no disclosure in Phlion directed toward how Phlion's HTML technique can be modified for XML. Phlion merely discloses on page 2, paragraph 3 that "[s]ervlet response streaming techniques are also useful for much

1 more than just generating HTML. For servlets, they can be applied when
2 generating XML, ..., or any other protocol servlets support.” This disclosure
3 merely states that servlets can be applied when generating XML, which is a
4 function already performed by Bayeh’s *Data* Servlet (as cited by the Office Action
5 in the rejection).

6 To summarize, Bayeh discloses a data servlet that formats an entire XML
7 data stream before sending the formatted data stream to a rendering servlet.
8 Pemburton is cited as disclosing XHTML, which does not overcome the
9 deficiencies of Bayeh. Philion is cited as disclosing sending of partial results to a
10 client when it is ready. However, as previously described, Philion discloses
11 sending an *HTML page*, which is not equivalent to an *XML document*, as recited
12 in independent claim 1. Also, as best the Applicants can determine from the
13 Office Action, the cited disclosure of Philion appears to be directed to a
14 modification of Bayeh’s rendering servlet, which does not address Bayeh’s data
15 servlet that sends a data stream to the rendering servlet when the entire XML data
16 stream has been formatted by the data servlet.

17 In view of the above arguments, Applicants respectfully assert that
18 independent claim 1 is patentable over the cited combination of Bayeh, Pemburton
19 and Philion because no combination of these references teaches or suggests
20 “sending said portion to a client *before the XML document is entirely built*”, as
21 recited in claim 1. For at least the same reasons, claims 2-4, and 48 that depend
22 from claim 1 are also patentable over the cited references.

23 The dependent claims have further bases of patentability. For example,
24 claim 48 recites in part, “so that a hierarchical order of the entire XML document
25 is preserved.” This feature is supported by at least page 20, lines 10-12 of the

1 Specification as filed. None of the cited portions of Bayeh, Pemburton and
2 Philion address preserving a hierarchical order of an XML document.

3 Claims 5-7, 10-11, 13 and 49

4 Independent claim 5 as amended recites in part, “sending the portion to the
5 client *before the XML document is entirely built ...*”. This feature is supported in
6 the Specification at least at page 8, lines 16-20.

7 Applicants respectfully assert that the combination of Bayeh, Pemburton
8 and Philion does not teach or suggest “*before the XML document is entirely built*”,
9 as recited in independent claim 5. As argued above in conjunction with the
10 rejection of claim 1, Bayeh discloses a data servlet that formats an entire XML
11 data stream before sending the formatted data stream to a rendering servlet.
12 Pemburton is cited as disclosing XHTML, which does not overcome the
13 deficiencies of Bayeh. Philion is cited as disclosing sending of partial results to a
14 client when it is ready. However, as previously described, Philion discloses
15 sending an HTML page, which is not equivalent to an **XML document**, as recited
16 in independent claim 31. Also, as best the Applicants can determine from the
17 Office Action, the cited disclosure of Philion appears to be directed to a
18 modification of Bayeh’s rendering servlet, which does not address Bayeh’s data
19 servlet that sends a data stream to the rendering servlet when the entire XML data
20 stream has been formatted by the data servlet.

21 In view of the above arguments, Applicants respectfully assert that
22 independent claim 5 is patentable over the cited combination of Bayeh, Pemburton
23 and Philion because no combination of these references teaches or suggests “...
24 *before the XML document is entirely built*”, as recited in claim 31. For at least the
25

1 same reasons, claims 6, 7, 10-11, 13 and 49 that depend from claim 5 are also
2 patentable over the cited references.

3 The dependent claims have further bases of patentability. For example,
4 claim 49 recites in part, “so that a hierarchical order of the entire XML document
5 is preserved.” This feature is supported by at least page 20, lines 10-12 of the
6 Specification as filed. None of the cited portions of Bayeh, Pemburton and
7 Philion address preserving a hierarchical order of an XML document.

8 Claims 31-32, 34-35 and 50

9 Independent claim 31 as amended recites in part, “send the response
10 portions to the client *before the XML document is entirely built ...*”. This feature
11 is supported in the Specification at least at page 8, lines 16-20.

12 Applicants respectfully assert that the combination of Bayeh, Pemburton
13 and Philion does not teach or suggest “*before the XML document is entirely built*”,
14 as recited in independent claim 31. As argued above in conjunction with the
15 rejection of claim 1, Bayeh discloses a data servlet that formats an entire XML
16 data stream before sending the formatted data stream to a rendering servlet.
17 Pemburton is cited as disclosing XHTML, which does not overcome the
18 deficiencies of Bayeh. Philion is cited as disclosing sending of partial results to a
19 client when it is ready. However, as previously described, Philion discloses
20 sending an HTML page, which is not equivalent to an **XML document**, as recited
21 in independent claim 31. Also, as best the Applicants can determine from the
22 Office Action, the cited disclosure of Philion appears to be directed to a
23 modification of Bayeh’s rendering servlet, which does not address Bayeh’s data
24 servlet that sends a data stream to the rendering servlet when the entire XML data
25 stream has been formatted by the data servlet.

1 In view of the above arguments, Applicants respectfully assert that
2 independent claim 31 is patentable over the cited combination of Bayeh,
3 Pemburton and Philion because no combination of these references teaches or
4 suggests “*... before the XML document is entirely built*”, as recited in claim 31.
5 For at least the same reasons, claims 32, 34-35 and 50 that depend from claim 31
6 are also patentable over the cited references.

7 The dependent claims have further bases of patentability. For example,
8 claim 50 recites in part, “so that a hierarchical order of the entire XML document
9 is preserved.” None of the cited portions of Bayeh, Pemburton and Philion
10 address preserving a hierarchical order of an XML document.

11 Claims 38 and 51

12 Claims 38 and 51 depend from independent claim 37. Independent
13 claim 37 as amended recites in part, “*...format the data ... into an appropriate*
14 *XML syntax, wherein the emitter object is to emit the portion of the client*
15 *response before the client response is entirely built ...*”.

16 Applicants respectfully assert that the combination of Bayeh, Pemburton
17 and Philion does not teach or suggest “*before the client response is entirely built*”,
18 as recited in independent claim 37. As argued above in conjunction with the
19 rejection of claim 1, Bayeh discloses a data servlet that formats an entire XML
20 data stream before sending the formatted data stream to a rendering servlet.
21 Pemburton is cited as disclosing XHTML, which does not overcome the
22 deficiencies of Bayeh. Philion is cited as disclosing sending of partial results to a
23 client when it is ready. However, as previously described, Philion discloses
24 sending an HTML page, which is not equivalent to an **XML document**, as recited
25 in independent claim 31. Also, as best the Applicants can determine from the

1 Office Action, the cited disclosure of Philion appears to be directed to a
2 modification of Bayeh's rendering servlet, which does not address Bayeh's data
3 servlet that sends a data stream to the rendering servlet when the entire XML data
4 stream has been formatted by the data servlet.

5 In view of the above arguments, Applicants respectfully assert that
6 independent claim 37 is patentable over the cited combination of Bayeh,
7 Pemburton and Philion because no combination of these references teaches or
8 suggests “*... before the XML document is entirely built*”, as recited in claim 37.
9 For at least the same reasons, claims 38 and 51 that depend from claim 37 are also
10 patentable over the cited references.

11 The dependent claims have further bases of patentability. For example,
12 claim 38 recites in part, “without having to build a hierarchical tree that represents
13 the client response.” None of the cited portions of Bayeh, Pemburton and Philion
14 address building a hierarchical tree of an XML document. As previously argued
15 in conjunction with the rejection of claim 14, Applicants respectfully this failure to
16 mention building a hierarchical tree in generating an XML document cannot be
17 properly interpreted as teaching that an XML document can be send without
18 building a hierarchical tree.

19 Further, dependent claim 51 recites in part, “so that a hierarchical order of
20 an XML document forming the response is preserved.” None of the cited portions
21 of Bayeh, Pemburton and Philion address preserving a hierarchical order of an
22 XML document.

23

24 Rejections of Claims 8, 9, 33, 41-43, 52 and 55

25 Claims 8, 9, 33, 41-43, 52 and 55 stand rejected under 35 U.S.C. §103(a) as

1 being unpatentable over Bayeh, Pemburton and Philion as applied to claim 5, 14
2 and 31, and further in view of “Extensions for Distributed Authoring on the World
3 Wide Web-WebDAV, Internet Draft (hereinafter Goland). Applicants respectfully
4 traverse these rejections.

5 Applicants respectfully submit that these outstanding rejections under
6 35 U.S.C. §103(a) fail to establish a *prima facie* case of obviousness because
7 combining the cited references as proposed by the Office Action do not teach or
8 suggest every element of the claims.

9 Claims 8, 9, 33

10 Claims 8 and 9 depend from claim 5, and claim 33 depends from claim 31.
11 As previously discussed in the rejections of independent claims 5 and 31, the
12 combination of Bayeh, Pemburton and Philion does not teach each and every
13 claim element. Goland is cited as disclosing a multi-status response. However,
14 this disclosure does not overcome the aforementioned deficiencies of Bayeh,
15 Pemburton and Philion. Therefore, independent claims 5 and 31 are patentable
16 over the cited combination of Bayeh, Pemburton, Philion and Goland. For at least
17 the same reasons, claims 8 and 9 that depend from claim 5 and claim 33 that
18 depends from claim 31 are also patentable over the cited combination.

19 Claims 41-43, 52 and 55

20 Independent claim 41 as amended recites in part, “sending the response
21 portion to the client *before the XML response is entirely built . . .*” This feature is
22 supported in the Specification at least at page 8, lines 16-20. This limitation is
23 similar to one of independent claim 31, the rejection of which is discussed above.

24 Applicants respectfully assert that the combination of Bayeh, Pemburton,
25 Philion and Goland does not teach or suggest “*before the XML response is entirely*

1 “built”, as recited in independent claim 41. As previously discussed in the
2 rejection of independent claim 31, the combination of Bayeh, Pemburton and
3 Philion does not teach or suggest the feature “*before the XML response is entirely*
4 *built*”. Goland is cited as disclosing a multi-status response. However, this
5 disclosure does not overcome the aforementioned deficiencies of Bayeh,
6 Pemburton and Philion. Therefore, independent claim 41 is patentable over the
7 cited combination of Bayeh, Pemburton, Philion and Goland. For at least the same
8 reasons, claims 42-43, 52 and 55 that depend from claim 41 are also patentable
9 over the cited combination.

10 The dependent claims have further bases of patentability. For example,
11 claim 52 recites in part, “so that a hierarchical order of an XML document forming
12 the XML response is preserved.” None of the cited portions of Bayeh, Pemburton
13 and Philion address preserving a hierarchical order of an XML document.

14

15 Rejections of Claims 20-23, 25, 27, 30, 44-47 and 54

16 Claims 21-23, 25, 27, 30, 44-47 and 54 stand rejected under
17 35 U.S.C. §103(a) as being unpatentable over Bayeh and Pemburton, and further
18 in view of Goland. Applicants respectfully traverse.

19 Applicants respectfully submit that these outstanding rejections under
20 35 U.S.C. §103(a) fail to establish a *prima facie* case of obviousness because
21 combining the cited references as proposed by the Office Action do not teach or
22 suggest every element of the claims.

23

24 Claims 20-23, 25, 27, 30 and 54

25 Claim 20 recites in part, “before the XML response is entirely built.” This
feature is supported in the Specification at least at page 8, lines 16-20. This

1 limitation is similar to one of independent claim 31, the rejection of which is
2 discussed above.

3 Applicants respectfully assert that the combination of Bayeh, Pemburton,
4 and Goland does not teach or suggest “*before the XML response is entirely built*”,
5 as recited in independent claim 20. As previously discussed in the rejection of
6 independent claim 31, the combination of Bayeh, Pemburton and Philion does not
7 teach or suggest the feature “*before the XML response is entirely built*”. Goland is
8 cited as disclosing a multi-status response. However, this disclosure does not
9 overcome the aforementioned deficiencies of Bayeh, Pemburton and Philion.
10 Therefore, independent claim 20 is patentable over the cited combination of
11 Bayeh, Pemburton and Goland. For at least the same reasons, claims 21-23, 25,
12 27, 30 and 54 that depend from claim 20 are also patentable over the cited
13 combination.

14 Claims 44-47

15 Claim 44 recites in part, “build a portion of an XML response … that is to
16 be sent to the client before the XML response is entirely built.” This feature is
17 supported in the Specification at least at page 8, lines 16-20. This limitation is
18 similar to one of independent claim 31, the rejection of which is discussed above.

19 Applicants respectfully assert that the combination of Bayeh, Pemburton,
20 and Goland does not teach or suggest “*before the XML response is entirely built*”,
21 as recited in independent claim 44. As previously discussed in the rejection of
22 independent claim 31, the combination of Bayeh, Pemburton and Philion does not
23 teach or suggest the feature “*before the XML response is entirely built*”. Goland is
24 cited as disclosing a multi-status response. However, this disclosure does not
25 overcome the aforementioned deficiencies of Bayeh, Pemburton and Philion.

1 Therefore, independent claim 44 is patentable over the cited combination of
2 Bayeh, Pemburton and Goland. For at least the same reasons, claims 45-47 that
3 depend from claim 44 are also patentable over the cited combination.

4

5 Rejections of Claims 24, 26, 28 and 53

6 Claims 24, 26, 28 and 53 stand rejected under 35 U.S.C. §103(a) as being
7 unpatentable over Bayeh, Pemburton and Goland, and further in view of Philion.
8 Applicants respectfully traverse.

9 Applicants respectfully submit that these outstanding rejections under
10 35 U.S.C. §103(a) fail to establish a *prima facie* case of obviousness because
11 combining the cited references as proposed by the Office Action do not teach or
12 suggest every element of the claims.

13 Claims 24, 26 and 28

14 Claims 24, 26 and 28 depend from independent claim 20. As previously
15 discussed in the rejections of independent claim 20, the combination of Bayeh,
16 Pemburton and Goland does not teach each and every claim element. Philion is
17 cited as disclosing sending a partial result to a client when it is ready. However, as
18 previously described, Philion discloses sending an HTML page, which is not
19 equivalent to an **XML response**, as recited in independent claim 20. Also, as best
20 the Applicants can determine from the Office Action, the cited disclosure of
21 Philion appears to be directed to a modification of Bayeh's rendering servlet,
22 which does not address Bayeh's data servlet that sends a data stream to the
23 rendering servlet when the entire XML data stream has been formatted by the data
24 servlet. Thus, Philion does not overcome the deficiencies of Bayeh, Pemburton
25 and Goland as discussed above in conjunction with the rejection of claim 20.

1 In view of the above arguments, Applicants respectfully assert that
2 independent claim 20 is patentable over the cited combination of Bayeh,
3 Pemburton, Goland and Philion because no combination of these references
4 teaches or suggests “... *before the XML response is entirely built*”, as recited in
5 claim 20. For at least the same reasons, claims 24, 26 and 28 that depend from
6 claim 20 are also patentable over the cited references.

7 Claim 53

8 Claim 53 depends from independent claim 44. As previously discussed in
9 the rejections of independent claim 44, the combination of Bayeh, Pemburton and
10 Goland does not teach each and every claim element. Philion is cited as disclosing
11 sending a partial result to a client when it is ready. However, as previously
12 described, Philion discloses sending an HTML page, which is not equivalent to an
13 **XML response**, as recited in independent claim 44. Also, as best the Applicants
14 can determine from the Office Action, the cited disclosure of Philion appears to be
15 directed to a modification of Bayeh’s rendering servlet, which does not address
16 Bayeh’s data servlet that sends a data stream to the rendering servlet when the
17 entire XML data stream has been formatted by the data servlet. Thus, Philion
18 does not overcome the deficiencies of Bayeh, Pemburton and Goland as discussed
19 above in conjunction with the rejection of claim 44.

20 In view of the above arguments, Applicants respectfully assert that
21 independent claim 44 is patentable over the cited combination of Bayeh,
22 Pemburton, Goland and Philion because no combination of these references
23 teaches or suggests “... *before the XML response is entirely built*”, as recited in
24 claim 44. For at least the same reasons, claim 53 that depends from claim 44 is
25 also patentable over the cited references.

1

2 Rejection of Claims 12, 15, 36, 39 and 40

3 Claims 12, 15, 36, 39 and 40 stand rejected under 35 U.S.C. §103(a) as
4 being unpatentable over Bayeh, Pemburton and Philion, with Mukhi “ServerTest”
5 8/17/1998 (hereinafter Mukhi) being cited as evidence regarding buffered streams.
6 Applicants respectfully traverse these rejections.

7 Applicants respectfully submit that these outstanding rejections under
8 35 U.S.C. §103(a) fail to establish a *prima facie* case of obviousness because
9 combining the cited references as proposed by the Office Action do not teach or
10 suggest every element of the claims.

11 Claims 12, 15 and 36

12 Claims 12 and 15 depend from claim 5, and claim 36 depends from
13 claim 31. As previously discussed in the rejections of independent claims 5
14 and 31, the combination of Bayeh, Pemburton and Philion does not teach each and
15 every claim element. Mukhi is cited as evidence regarding buffered streams.
16 However, such a disclosure does not overcome the aforementioned deficiencies of
17 Bayeh, Pemburton and Philion. Therefore, independent claims 5 and 31 are
18 patentable over the cited combination of Bayeh, Pemburton, Philion and Mukhi.
19 For at least the same reasons, claims 12 and 15 that depend from claim 5 and
20 claim 36 that depends from claim 31 are also patentable over the cited
21 combination.

22 Claims 39 and 40

23 Claims 39 and 40 depend from claim 37. As previously discussed in the
24 rejections of independent claim 37, combination of Bayeh and Pemburton does not
25 teach “before the client response is entirely built.” The Office Action cites Philion

1 in this rejection as disclosing “buffering a response portion in a buffered and
2 sending the portion (pp.5-6).” However, as previously mentioned, Philion
3 discloses sending an *HTML page*, which is not equivalent to an *XML response*.
4 Also, as best the Applicants can determine from the Office Action, the cited
5 disclosure of Philion appears to be directed to a modification of Bayeh’s rendering
6 servlet, which does not address Bayeh’s data servlet that sends a data stream to the
7 rendering servlet when the *entire* XML data stream has been formatted by the data
8 servlet. Thus, Philion does not overcome the deficiencies of Bayeh and
9 Pemburton. The Office Action cites Mukhi “as evidence that buffered streams
10 have a threshold.” However, such a disclosure does not overcome the
11 aforementioned deficiencies of Bayeh, Pemburton and Philion. Therefore,
12 independent claim 37 is patentable over the cited combination of Bayeh,
13 Pemburton, Philion and Mukhi. For at least the same reasons, claims 39 and 40
14 that depend from claim 37 are also patentable over the cited combination.

15

16 Rejection of Claim 29

17 Claim 29 stands rejected under 35 U.S.C. §103(a) as being unpatentable
18 over Bayeh, Pemburton and Goland, with Mukhi being cited as evidence regarding
19 buffered streams. Applicants respectfully traverse these rejection.

20 Applicants respectfully submit that these outstanding rejections under
21 35 U.S.C. §103(a) fail to establish a *prima facie* case of obviousness because
22 combining the cited references as proposed by the Office Action do not teach or
23 suggest every element of the claims.

24 Claim 29 depends from claim 20. As previously discussed in the rejections
25 of independent claim 20, the combination of Bayeh, Pemburton and Goland does

1 not teach each and every claim element. Mukhi is cited as disclosing sending a
2 partial result to a client when it is ready. Such a disclosure does not overcome the
3 deficiencies of Bayeh, Pemburton and Goland as discussed above in conjunction
4 with the rejection of claim 20.

5 In view of the above arguments, Applicants respectfully assert that
6 independent claim 20 is patentable over the cited combination of Bayeh,
7 Pemburton, Goland and Mukhi because no combination of these references
8 teaches or suggests “... *before the XML response is entirely built*”, as recited in
9 claim 20. For at least the same reasons, claim 29, which depends from claim 20 is
10 also patentable over the cited references.

11

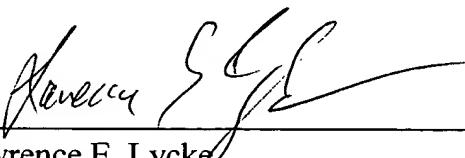
12 **Conclusion**

13 In view of the foregoing, Applicants believe all pending claims are in
14 condition for allowance. Accordingly, Applicants respectfully request that a
15 Notice of Allowability be issued. If the Office’s next anticipated action is to be
16 anything other than issuance of a Notice of Allowability, Applicants respectfully
17 request that the Examiner contact the undersigned (telephone number provided
18 below) to schedule an interview.

19 Respectfully Submitted,

20 Dated: 11/19/04

21 By:

22 
23 Lawrence E. Lycke
24 Reg. No. 38,540
25 (206) 315-4001 ext. 103